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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,012	02/27/2004	Sam Pullara	BEAS-01322US1	6896

23910   7590   03/23/2007
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EXAMINER
NGUYEN, PHILLIP H

ART UNIT	PAPER NUMBER
2191	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/789,012	PULLARA, SAM
	Examiner	Art Unit	
	Phillip H. Nguyen	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *27 February 2003*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *27 February 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the original filing date of February 27, 2003. Claims

1-30 are pending and have been considered below.

Note

2.   Regarding claims 1-4, 6-9, 11-14, 16-19, 21-24, and 26-29 recite the phrase "for"

in the body of the claims. It indicates intended use and as such does not carry any

patentable weight. The limitations following the phrase "for" describe only intended use

but not necessarily required any functionality of the claims. Applicant is suggested to

change the word so the limitations recite in a definite form. For example, claim 1 recites

"for use in deploying..." should be changed to "that use in deploying" or any other

definite form.

Specification

3.   The incorporation of essential material in the specification by reference to a

publication is improper. Applicant is required to amend the disclosure to include the

material incorporated by reference, if the material is relied upon to overcome any

objection, rejection, or other requirement imposed by the Office. The amendment must

be accompanied by a statement executed by the applicant, or a practitioner

representing the applicant, stating that the material being inserted is the material

previously incorporated by reference and that the amendment contains no new matter.

37 CFR 1.57(f).

Claim Objections

4.   Claims 1, 2, 5, 6, 7, 10, 11, 12, 15, 17, 20, 22, 25, 27, and 30 are objected to

because of the following informalities: Applicant is required to spell out all the

acronyms.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

6.   Claims 1-5 and 16-20 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Regarding claims 1 and 16, recite a system but it is reasonable to interpret this

system by one of ordinary skill in the art as software per se. Applicant's specification

provides no explicit and deliberate definition of the components ("preprocessor" and

"server") that make up the system other than they could be software components, which

are directed to functional descriptive material, per se, and are therefore non-statutory.

Claims 4-5 and 17-20 directly depend on claims 1 and 16 respectively, and therefore,

have been addressed in connection with the rejection set forth to claims 1 and 16.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by

Rasmusson et al. (Canadian Patent Application No.: CA 2,323,689 A1).

<u>As per claim 1</u>:

Rasmusson discloses a system for determining dependencies between J2EE

components, comprising:

- a first application server that includes an application deployed thereon

    ("**JBossServer**" page 16, line 28; "**JBossServer**" page 22, line 18); and

- a preprocessor component ("**business logic 136**" page 22, line 31) that can

    be used to interrogate the applications' deployment information and any

    dependencies included therein ("**business logic 136 to use the**

    deployment.properties file 230 at runtime" page 23, line 31-32), and

    communicate a subset of that information to a second application server for

    use in deploying the application at the second application server ("**actual**

    server 132 were to change from a Jboss server to a WebLogic server"

    page 17, line 18-19, **WebLogic server is a second server or iPlanetServer**

    can be a second server).

<u>As per claim 2</u>:

Rasmusson discloses the system as in claim 1 above; and further discloses:

- wherein said preprocessor performs the steps of:

    o interrogating the deployed application at the first application server to

      find all JNDI names present in the application

    o determining which of said JNDI entities will be realized at runtime;

    o parsing through both an application-side list, and a server-side list, and

      locating dependencies that correlate with one another; and

    o communicating application configuration information for use in

      deploying the application on said second application server.

(All the above limitations are addressed in sample code page 25-30).

As per claim 3:

Rasmusson discloses the system as in claim 1 above; and further discloses:

- wherein the configuration information is saved to a configuration file for

  subsequent use in deployment ("**deployment.properties file 230**" page 21,

  line 20-29).

As per claim 4:

Rasmusson discloses the system as in claim 1 above; and further discloses:

- wherein the system further comprises a graphical user interface or web

  interface that allows the developer to select an application at a first server for

  subsequent deployment at a second server ("**the EJB server abstraction**

  layer 134 has a mechanism 160 for locating the one or more EJBs, by

which it determines the home interfaces for one or more EJBs" page 12,

line 6-19).

As per claim 5:

Rasmusson discloses the system as in claim 1 above; and further discloses:

- wherein the application side defines any EJBs used in the application and the

  resources dependent thereon, and the server side defines management APIs

  used by the application, data sources, and JMS queues (**see FIG. 4 and**

  texts for further expand their features).

As per claims 6-10:

- method claims, recite the same limitations as recited in claims 1-5

  respectively, and therefore, have been addressed in connection with the

  rejection set forth to claims 1-5 respectively.

As per claims 11-15:

- computer readable medium claims, recite the same limitations as recited in

  claim 1-5 respectively, and therefore, have been addressed in connection

  with the rejection set forth to claims 1-5 respectively.

As per claim 16:

Rasmusson discloses a system for readily deploying applications from a first

server to a second server, comprising:

- a first server having an application deployed thereon ("**Jboss server**" page

    17, line 19);

- a second server adapted to receive said application ("**WebLogic server**"

    page 17, line 19);

- a preprocessor ("**business logic 136**" page 22, line 31) that interrogates the

    application's deployment information as deployed on said first server, and any

    dependencies included therein, and generates or communicates a subset of

    that information, for use in deploying the application at said second server

    ("**business logic 136 to use (read in) the deployment.properties file 230**

    at runtime" page 23, line 31-32).

As per claim 17:

Rasmusson discloses the system as in claim 16 above; and further discloses:

- wherein said preprocessor performs the steps of:

    o interrogating the deployed application at the first application server to

        find all JNDI names present in the application

    o determining which of said JNDI entities will be realized at runtime;

    o parsing through both an application-side list, and a server-side list, and

        locating dependencies that correlate with one another; and

    o communicating application configuration information for use in

        deploying the application on said second application server.

(All the above limitations are addressed in sample code page 25-30).

As per claim 18:

Rasmusson discloses the system as in claim 16 above; and further discloses:

- wherein the configuration information is saved to a configuration file for

    subsequent use in deployment ("**deployment.properties file 230**" page 21,

    line 20-29).

As per claim 19:

Rasmusson discloses the system as in claim 16 above; and further discloses:

- wherein the system further comprises a graphical user interface or web

    interface that allows the developer to select an application at a first server for

    subsequent deployment at a second server ("**the EJB server abstraction**

    layer 134 has a mechanism 160 for locating the one or more EJBs, by

    which it determines the home interfaces for one or more EJBs" page 12,

    line 6-19).

As per claim 20:

Rasmusson discloses the system as in claim 16 above; and further discloses:

- wherein the application side defines any EJBs used in the application and the resources dependent thereon, and the server side defines management APIs used by the application, data sources, and JMS queues (**see FIG. 4 and texts for further expand their features**).

<u>As per claims 21-25</u>:

- method claims recite the same limitations as recited in claims 16-20 respectively, and therefore, have been addressed in connection with the rejection set forth to claims 16-20 respectively.

<u>As per claims 26-30</u>:

- computer readable medium claims recite the same limitations as recited in claims 16-20 respectively, and therefore, have been addressed in connection with the rejection set forth to claims 16-20 respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
03/14/2007

WEI ZHEN
SUPERVISORY PATENT EXAMINER